

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA

v.

CRAIG EMLAW

Case No. 1:20-MJ-591(DJS)

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of November 12, 2020 in the county of Albany in the Northern District of New York the defendant(s) violated:

Code Section

18 U.S.C. § 13

NYS Penal Law Section 240.30(2)

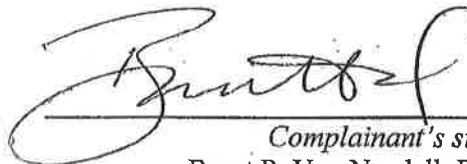
Offense Description

Assimilated Crimes Act

Aggravated Harassment in the Second Degree

This criminal complaint is based on these facts:
Click here to enter text.

☒ Continued on the attached sheet.

 #1414
Complainant's signature

Brent P. Van Nodall, Police Detective

U.S. Department of Veterans Affairs

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/13/2020

*Judge's signature*City and State: Albany, NY

Hon. Daniel J. Stewart, U.S. Magistrate Judge

Printed name and title

Affidavit In Support Of A Criminal Complaint

Police Detective Brent P. Van Nosedall, of the U.S. Department of Veterans Affairs Police Department ("VAPD"), being duly sworn, deposes and states:

1. I am a Police Detective with the Veterans Affairs Police Department ("VAPD"). I have held this position since April, 2020. I am currently stationed in Albany, New York. Among other duties, my office investigates crimes of threats of violence against the U.S. Department of Veterans Affairs ("VA") and its personnel. Prior to my promotion to Detective, I had been a police officer with the VAPD since February, 2019. Members of the VAPD are authorized to make arrests on VA property.
2. I make this affidavit in support of a criminal complaint charging Craig Emlaw with a violation of Title 18 United States Code §13 (Assimilated Crimes Act) charging violation of Aggravated Harassment in the Second Degree in violation of New York State Penal Law Section 240.30(2), a Class A misdemeanor. A person is guilty of Aggravated Harassment in the Second Degree when under subdivision One (2), "[W]ith intent to harass or threaten another person, he or she makes a telephone call, whether a conversation ensues, with no purpose of legitimate communication".
3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement officers. The information contained in this affidavit is not an exhaustive account of everything I know about this case. Rather, it contains only the facts that I believe are necessary to establish probable cause in support of a criminal complaint.

Basis For A Finding Of Probable Cause

4. At approximately 8:05 am on November 12, 2020, Craig Emlaw called the VA and spoke with "MAJ" of Community Care regarding his authorization for dental care. Emlaw was advised by MAJ that she would look into that status and call him back. Emlaw called back at 10:01am to check on his status. Emlaw also began repeatedly calling the Director's Office at 10:48am. Emlaw was advised that his authorization was being worked on and was informed that if he could not wait, that he does already have authorization for Community Care Dental which does not expire until December 30, 2020, and that he could reach out to a dentist and schedule his own appointment. Emlaw was also advised by the Director's Office that he was able to do this if he could not wait for assistance. Emlaw was provided with a copy of the authorization in October, 2020. Emlaw was advised by MAJ that she was contacting his provider to set up an appointment. Emlaw was aggressive, began to scream and became verbally abusive and called MAJ a "fu**ing *unt". The call was terminated and Emlaw attempted to call back at 10:52am and 10:54 am.

5. Emlaw also called and spoke with "NL" at the Director's Office of the VA, also demanding to speak with a health provider that could give him authorization for an appointment. Emlaw was again advised that the authorization was already issued and that the VA was attempting to assist him getting an appointment scheduled. Emlaw also spoke with Lieutenant John Greene with the VA who provided him with the same information he was previously given. Emlaw refused to accept the explanation and information given and

again became abusive, belligerent and profane. Emlaw then repeatedly called back five more times within a matter of minutes.

Past Instances of Similar Conduct by Emlaw

6. The VA has dealt with similar issues regarding Emlaw for years. As recently as August 25, 2020, Emlaw called more than 20 times within a matter of minutes. Emlaw had no legitimate for purpose to continue to call the facility. Lt. Greene also spoke with Emlaw during the August 25, 2020 series of repeated harassing phone calls by Emlaw. During those calls, Emlaw's anger escalated and Emlaw continued using vulgarities. Emlaw's repeated calls in this manner impede VA operators from assisting other callers.

7. On December 4, 2019 at approximately 08:30HRS police were notified that Craig Emlaw at approximately 08:00HRS had begun calling the Director's office continuously and causing a disturbance to operations. The reason for Emlaw's calling was that he was seen by an outside provider that had wrote him a script for an antibiotic. It was explained to Emlaw that because the script was coming from an outside provider that was the reason for the delay as the VA had not yet received the script. Emlaw called approximately 7-8 times from 08:00 through 08:30 when they had contacted police. Emlaw was upset about the wait time for the script to be filled due to the VA having to wait to receive it. At approximately 08:45HRS information was received from the pharmacy that the script had been received, filled and overnighted. Emlaw made an additional call. VA employee ML relayed the information that the script was being overnighted. During the conversation

Emlaw was still upset with the time that he had to wait and stated that no one at the VA cared that he was in pain and stated ML was a "Fu**ing Cu**".

7. Emlaw continued to make repeated calls again asking to speak to the Director.

Emlaw was informed that the Director was not available. Emlaw called another 4 times in which he spoke to VA police who explained to him that he was causing a disruption to operations. Emlaw then stated to police that he was not, "causing a disruption as I am a private citizen and pigs like you work for me." Emlaw then threatened to keep calling until he was able to speak to the Director. It was explained to Emlaw again that it would not be possible for him to speak to the director as she was not available today.

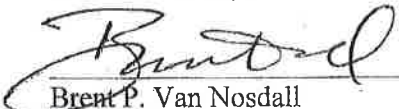
8. The VA and the VA police have a lengthy history with Emlaw dating back to at least 2018. There have been numerous instances where Emlaw has called either the VA or VA police, sometimes hundreds of times in a day requesting various things. While staff does their best to accommodate his requests, often Emlaw harasses, annoys, and/or alarms staff frequently using abusive language and profanity and often threatening "to come down to the VA" to deal with staff. Of greater concern, when Emlaw makes repeated calls in this manner and of this kind, the phone lines are tied up and there is disruption of operation services.

9. As far back as November 28, 2018, Emlaw called the local VA and VA police approximately 130 times in less than hour. There have been numerous other instances and days between then and now, where he makes those kinds of calls, often dozens of calls in a

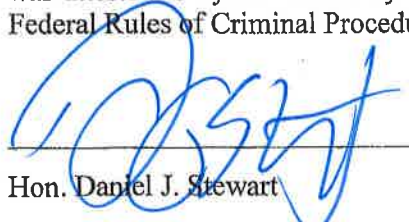
short period of time, where he disrupts operation services, and verbally abuses and harasses staff.

10. As this conduct remains unabated two plus years later, your affiant seeks issuance of an arrest warrant and submits there is probable cause establishing violation under the Assimilated Crimes Act (18 U.S.C. § 13) and New York State Penal Law Section 240.30(2), that Craig EMLAW has committed Aggravated Harassment in the Second Degree, a Class A misdemeanor, in that, "[W]ith intent to harass or threaten another person, he or she makes a telephone call, whether or not a conversation ensues, with no purpose of legitimate communication".

Respectfully submitted,
Attested to By,

 #1414
Brent P. Van Nosedall
Veterans Affairs Police Detective
U.S. Department of Veterans Affairs

I, the Honorable Daniel J. Stewart, United States Magistrate Judge, hereby acknowledge that this affidavit was attested to by the affiant by telephone on November 13, 2020 in accordance with Rule 41 of the Federal Rules of Criminal Procedure.


Hon. Daniel J. Stewart
United States Magistrate Judge
Northern District of New York